

### REMARKS

In view of the following remarks, Applicant respectfully requests  
5 reconsideration and allowance of the subject application. This Response is believed to be fully responsive to all issues raised in the March 21, 2011 Final Office Action. To expedite prosecution, claims 1-19, 21, 24 and 29 are currently amended. Claims 1-29 are pending.

10 Examiner Interview - Substance of Interview

An interview was held on Tuesday, June 7, 2011. Applicant noted the lack of clarity as to Fig. 2 of Pelters, which was used as a basis for rejecting claims 1-13 and 15-28 under 35 USC § 102(b). The Office noted that Fig. 3 of Pelters could equally be applied to form a proper rejection under § 102(b) (Fig. 3 shows a  
15 cylindrical catalyst 4 that swings about an axis into a cylindrical exhaust pipe 3).

Without acquiescing in the basis for the grounds of rejection and to expedite prosecution, Applicant indicated that a Request for Continued Examination (RCE) would be forth coming with amendments to the independent claims.

20 Amendments to the Specification

Applicant currently amends the specification to correct inadvertent typographical errors. Applicant also amends the specification to include a new paragraph. The new paragraph recites features shown in Figs. 1 and 2, particularly the configuration of the cradle 5 with respect to the catalyst body 1 and the transition  
25 portion 13c as well as the configuration of the catalyst housing 7 with respect to the transition portion 13c and the connector element 39. Applicant submits that no new matter is added.

Amendments to the Claims

- 30 As currently amended claim 1 recites:  
A variable position catalyst assembly, comprising:

5 a connector element (39) that comprises an opening in an exhaust gas passage portion (34) disposed between an inlet (45) and an outlet (36), the opening shaped to accommodate a catalyst body (1) held by a cradle (5) and the portion (34) shaped to accommodate the catalyst body (1) held by the cradle (5) in an active catalyst position (35) and the inlet (45) and the outlet (36) shaped to connect to exhaust gas piping wherein cross-sectional shape of the exhaust gas passage portion (34) differs from cross-sectional shape of the inlet (45) and cross-sectional shape of the outlet (36);

10 a catalyst housing (7) configured to mount to the connector element (39) and to accommodate, in an inactive catalyst position (14), the catalyst body (1) held by the cradle (5); and

15 an actuator member (9) that comprises a mounting element (13) for mounting of the cradle (5) and for moving the catalyst body (1) held by the cradle (5) with respect to the catalyst housing (7) such that the catalyst body (1) can be moved to the active catalyst position (35) or to the inactive catalyst position (14),

20 wherein the cradle (5) comprises plates (2, 3) and posts (4) connecting the plates (2, 3) and wherein, in the inactive catalyst position (14), one of the plates (2) covers the opening in the exhaust gas passage portion (34) of the connector element (39).

Applicant submits that Pelters does not disclose the subject matter, as a whole, of claim 1. Claim 15 is currently amended to recite a variable position catalyst assembly, with features such as recited in claim 1. Accordingly, Applicant  
25 submits that Pelters does not disclose the subject matter, as a whole, of claim 15.

As currently amended, claims 1 and 15 recite a connector element where cross-sectional shape of its exhaust gas passage portion differs from cross-sectional shape of its inlet and cross-sectional shape of its outlet. As stated at paragraph [0036] of the instant application, as filed:

30 The cross-sectional progress of the exhaust gas passage 34 from the inlet 45 to the outlet 36 follows the transition from the inlet 45 cross-section via the cross-section of the active catalyst portion 35 to the outlet 36 cross-section. These cross sections are different due to pressure requirements and the different shapes of the components.

35 Further, claims 1 and 15 are currently amended to recite that one of the plates covers the opening in the exhaust gas passage portion of the connector

element. For example, as shown in Fig. 2 of the instant application, for the inactive position, the plate 2 covers the opening in the exhaust gas passage portion 34 of the connector element 39.

Applicant submits that Pelters fails to disclose such subject matter.

5 Specifically, in Fig. 2 of Pelters, there is no evidence that shape of the pipe 3 changes and a gap 24 exists between the catalyst 4 and the pipe 3. Further, in Fig. 3 of Pelters, shape of the pipe 3 has an oval cross-section that does not allow the catalyst to cover any opening. Yet further, as no cradle is disclosed in Pelters, the shape of the catalyst dictates.

10 Applicant also notes, as shown in Figs. 1 and 2 of the instant application, the cradle 5, when detached from the mounting element 13 (see transition element 13c), can receive the catalyst body 1. Yet further, various components may be disassembled, for example, to facilitate removal or replacement of the catalyst body 1 from the cradle 5. Applicant finds insufficient evidence as to how one could  
15 possibly remove the catalyst 4 from the arrangement of Fig. 2 or the arrangement of Fig. 3 of Pelters.

### Conclusion

Claims 1-29 are pending and believed to be in condition for allowance.

20 Applicant respectfully requests reconsideration and prompt issuance of the present application. Should any issue remain that prevents immediate issuance of the application, the Examiner is encouraged to contact the undersigned attorney to discuss the unresolved issue.

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Respectfully Submitted,

Dated: June 21, 2011

/Brian J. Pangrle/

Name: Brian J. Pangrle

Reg. No. 42,973

Phone No. (818) 395-4194

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